

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

An application made to Manawatu-Wanganui
(Horizons) Regional Council (MWRC)

(Consent Authority)

BY

TARARUA DISTRICT COUNCIL

(the Applicant)

For the hearing of **APP-1993001253.02** for resource consents associated with the operation of the Pahiatua Wastewater Treatment Plant, including a discharge into Town Creek (initially), then to the Mangatainoka River, a discharge to air (principally odour), and a discharge to land via pond seepage, Julia Street, Pahiatua.

MEMORANDUM 1 TO PARTICPANTS

Directions

16 March 2017

PURPOSE OF THIS MEMORANDUM

- 1 The Regional Council has appointed a hearing committee comprising Commissioners Mr Peter Callander, Mr Reginald Proffit, and Dr Brent Cowie (Chair) to hear and decide this application. It has delegated to the Committee the necessary functions, powers and duties of the Regional Council under section 34A of the Resource Management Act 1991 (the RMA). The purpose of this memorandum is to provide directions to the participants in relation to hearing and other preliminary matters.

- 2 The applicant is Tararua District Council. The applications were publicly notified with submissions closing on 9 May 2016. A total of eleven submissions were received from MidCentral District Health Board, Kahungunu ki Tamaki nui-a-rua Trust, Corny and Charlotte Andrews, Wellington Fish and Game, Christina Paton, John Bent, Water Protection Society Inc, Te Roopu Taiao o Ngati Whakatere, Water & Environmental Care Ass. Inc, Manawatu Estuary Trust, Rangitane o Tamaki nui a Rua Inc. All of the eleven submitters stated that they wish to be heard.

PRELIMINARY MATTERS

- 3 The Commissioners recognise that the applicant is intending to lodge an additional land use consent (earthworks) to deal with the construction of a wetland, with an expected lodgement date of **Wednesday 12 April 2017**.¹ Once lodged, this application will be considered alongside **APP-1993001253.02** by us at the Hearing.
- 4 We are also aware that there is an outstanding s92 request for further information that is yet to be responded to. It is our preference that the s92 response be provided on or before **Wednesday 12 April 2017**, along with the further consent application referred to in paragraph 3 above, to allow Regional Council staff sufficient time to consider this additional information in preparation of their s42A reports.

HEARING TIMETABLE

- 5 The hearing of application is scheduled for four days commencing **9.30am on Tuesday, 23 May 2017**.
- 6 The hearing will be held in the Stadium Function Lounge, Bush Park Trust Stadium, 57 Huxley Street, Pahiatua.
- 7 The formal closing of the hearing will not occur until after the Applicant's right of reply and/or further information or evidence requested by the Commissioners at the hearing is provided by the party from whom it has been requested.
- 8 The hearing will commence at 9.30am on the first day and at 9am on the following days. It will usually conclude at about 5pm. All participants will receive advance notice of any changes. On all days there will be a lunch break between approximately 12:30pm and

¹ Email dated 9 March 2017 from Tabitha Manderson, Opus Consultants Ltd, on behalf of applicant.

1:30pm and morning and afternoon breaks of 15 minutes. Tea and coffee will be provided during breaks.

- 9 We will also be prepared to start early and finish later to accommodate the reasonable needs of the participants.
- 10 The hearing will be adjourned at about 3.00 pm on the first day to allow the Commissioners to conduct a site visit. We will ask to be assisted by a representative of the applicant who is not a witness at the hearing.
- 11 The remainder of this memorandum gives directions to enable the pre-circulation of all expert evidence prior to the hearing, and outlines the hearing procedure.

INFORMATION TIMETABLE

- 12 The Commissioners have decided the following timetable to ensure all relevant technical evidence is circulated to all parties prior to the hearing.

Due Date	Action	Explanation
Monday 9 May 2016	Submissions Closed	
Wednesday 12 April 2017	TDC to lodge additional earthworks application dealing with construction of wetland (earthworks)	This application needs to be received in advance of the preparation of the s42A reports.
Wednesday 12 April 2017	TDC to respond in full to the s92 dated 13 November 2016	The s92 response will allow HRC to incorporate these matters into the s42A reports.
Friday 21 April 2017	Council s42A report, and any supporting reports, completed and forwarded to all parties.	This report will enable the applicant and submitters to assess and comment on the council reports when preparing their submissions for the hearing
Friday 28 April 2017	All expert evidence from the applicant is to be filed with Horizons Regional Council	This will enable the applicant's expert evidence to be read and assimilated by all parties to the hearing.

Due Date	Action	Explanation
Friday 5 May 2017	Any expert evidence to be called on behalf of submitters is to be filed with Horizons Regional Council	This will enable any expert evidence called by submitters to be read and assimilated by all parties to the hearing
Tuesday 23 May 2017	The hearing commences at 9.30 am and will adjourn about 3pm to allow for a site inspection,	Other days may start at 9.00am.
Wednesday 24 May – Friday 26 May 2017	The hearing will continue and be adjourned at the completion of the presentation of evidence, or at the end of the final day.	

DIRECTIONS

- 13 The following directions are to achieve the timetable outlined above.
- 14 The additional application (earthworks), and s92 response **must** be received by the Regional Council on or before **Wednesday 12 April 2017**.
- 15 All hearing evidence requiring pre-circulation is to be supplied to Carina Hickey at Horizons Regional Council by 4pm on the dates specified. She will then arrange for this material to be circulated to all the parties involved in the hearing. Her email address is carina.hickey@horizons.govt.nz or she can be contacted on 06 952 2827.

Regulatory Authority's Evidence

- 16 Pursuant to section 42 A (3) of the Resource Management Act, any report prepared by or on behalf of Horizons Regional Council must be supplied to Carina Hickey, Horizons Regional Council by 4pm on **Friday 21 April 2017**.

Applicant's Expert Evidence

- 17 Pursuant to section 41B of the Resource Management Act 1991 (the RMA), any expert evidence to be called by the applicant must be supplied to Carina Hickey, Horizons Regional Council by 4pm on **Friday 28 April 2017**.

Submitters' Expert Evidence

- 18 Pursuant to section 41B of the RMA, any submitter who intends to call expert evidence must supply to Horizons Regional Council, by 4pm on **Friday 5 May 2017** a copy of any statement of expert evidence the submitter intends to present to the hearing.
- 19 The above direction to submitters relates only to any expert evidence they intend to call. It does not apply to statements by lay witnesses and submitters themselves. We welcome evidence presented by lay witnesses either orally or (preferably) in writing at the hearing.

SUPPLY OF DOCUMENTS

- 20 The applicant and submitters should supply copies of their evidence in electronic pdf format (or, alternatively, one printed copy) to Carina Hickey by the deadlines stipulated above.
- 21 Horizons Regional Council will circulate copies of all evidence by e-mail and post as soon as practicable after it is received. Copies of all material received will also be uploaded onto the Council website:
- <http://www.horizons.govt.nz/managing-natural-resources/consents/tararua-district-council-pahiatua-eketahuna-wastew>
- 22 Any questions about this memorandum or the directions given should be directed to Carina Hickey at Horizons Regional Council. She will confer with the Commissioners as necessary.

HEARING PROCEDURE

- 23 The hearing will commence with the applicant's case. We will next hear from submitters to the application, and then from the reporting officers (whose reports will be taken as read) before the applicant's right of reply.
- 24 The principal reporting officer is encouraged to give written updates of the matters that have arisen during the hearing when she gives her presentation.
- 25 Submitters who wish to be heard are asked to liaise with Ms Hickey as to when may be an appropriate time for them to present their submissions and/or evidence.
- 26 Pre-circulated expert evidence will be taken as read. We would however ask experts to prepare a short presentation summarising their evidence (such as via Power Point). This presentation should not take more than 20 minutes.

27 All legal submissions and planning reports by the applicant and submitters, and lay evidence, can be read in full at the hearing.

Brent Cowie

Signed by Brent Cowie (Chair)
on behalf of the Hearing Panel

16 March 2017